

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner is a disabled individual who receives Social Security Disability benefits and Medicare.
2. On July 24, 2007, the Department sent a Notice of Decision informing petitioner that he was denied VPharm-3 because he had not enrolled in a Medicare Prescription Drug Plan (PDP) and that he was not eligible for VHAP because petitioner qualified for Medicare.
3. Petitioner filed a timely appeal and a fair hearing was held on September 28, 2007. Petitioner did not dispute the underlying facts but was seeking clarification. Petitioner is working with his Vocational Rehabilitation

counselor to enroll in a PDP. Petitioner was advised by his caseworker to contact her once he is enrolled in a PDP.

ORDER

The Department's decision is affirmed.

REASONS

The Vermont Legislature created the VPharm-3 program to supplement pharmacy coverage for Medicare beneficiaries. W.A.M. § 3500. To qualify for VPharm-3 benefits, an applicant must be enrolled in a PDP. W.A.M. § 3502.5. There is no dispute that as of the date of the decision, petitioner had not enrolled in a PDP. As a result, petitioner did not meet the eligibility requirements for VPharm-3.

The Department also denied petitioner eligibility for VHAP. The Legislature created the VHAP program to extend health care coverage to low income Vermonters who are either uninsured or underinsured. Applicants who qualify for Medicare coverage are not deemed either uninsured or underinsured. W.A.M. § 4001.2. Petitioner not only qualifies for Medicare but is a Medicare recipient. As a result, petitioner does not meet the eligibility guidelines for the VHAP program.

Based on the above facts, the Department's decision to deny VPharm-3 and VHAP coverage is affirmed. 3 V.S.A. § 3091(d); Fair Hearing Rule No. 17.

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